



## RESPONSE UNDER 37 CFR 1.116

Patent Docket P1003R1C1D1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  Robert Akita et al.  Serial No.: 09/825,584  Filed: April 4, 2001	Group Art Unit: 1642  Examiner: Christopher Yaen  Confirmation No: 3718  Customer No: 09157
Title: ISOLATED NUCLEIC ACIDS, VECTORS AND HOST CELLS ENCODING ErbB3 ANTIBODIES (AS AMENDED)	EXPRESS MAIL LABEL NO.: <u>EV 351 927 300</u> <u>US</u>  DATE OF DEPOSIT: <u>FEBRUARY 4, 2005</u>

### AMENDMENT UNDER 37 C.F.R. §1.116

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This document is responsive to the Final Office Action mailed August 10, 2004 for which a three-month period for response was given. This Amendment is timely filed with a Petition for a Three-Month Extension of Time and fees to include February 10, 2005. Claim amendments are made merely to narrow the issues on appeal, should an appeal become necessary. The Examiner is respectfully requested to enter the amendments. Also enclosed herewith is a Notice of Appeal and the fee therefor. In view of the discussion provided, reconsideration and allowance are respectfully requested

**Claims** are listed beginning on page 2 of this paper.

**Remarks** begin on page 3 of this paper.